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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,197	11/30/2000	Allan Rousselle	MICR0244	4422

27792 7590 04/06/2004

MICROSOFT CORPORATION
LAW OFFICES OF RONALD M. ANDERSON
600 108TH AVENUE N.E., SUITE 507
BELLEVUE, WA 98004

EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,197

Applicant(s)

ROUSSELLE ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Application History

1. This action is responsive to the application filing, Application filed on 11/30/2000.
2. Claims 1-18 are pending in the case, claims 1, 10 and 16 are independent claims.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- "36" in Figure 1.
- "37" in Figure 1.
- "530" in Figure 5.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
 - The disclosure recites "*In step 630, the document reminder system 100 increments the timer before returning to decision step 625*" (page

18, lines 3-4). Figure 6 indicates that the flow from step 630 is to step 615, not step 625.

- The disclosure recites "*the timer is incremented in step 630 and the determination loop of steps 625 through 655 is repeated*" (page 18, lines 23-24). Figure 6 indicates that the flow from step 630 is to step 615, not step 625.
- The disclosure recites "*dynamically linked libraries 38*" (page 8, lines 22-23). Reference sign 38 in Figure 1 is directed toward "*Program Data*".
- The disclosure fails to disclose those reference signs listed in paragraph 3 above, which are shown in the drawings.

Appropriate correction is required.

5. The use of the following trademarks has been noted in this application:

- "*Bernoulli*" on page 8, line 18.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

7. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Regarding dependent claim 12, the claim recites the limitation "*document is incompatible with the second application*" in the second limitation of the claim (page 23, lines 1-2). There is insufficient antecedent basis for this limitation in the claim. Note that claim 12 is dependent upon claim 11, which is dependent upon claim 9, which is dependent upon claim 8, which is dependent upon claim 1. Independent claim 10 contains a limitation directed toward a "*second application*".

Double Patenting

9. Claim 13 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 9. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

11. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Office 97, Copyright 1983-1996 by Microsoft Corporation. Selected screen captures of Microsoft Office 97 are presented in *Microsoft Office 97 – Send to Function*, captured March 30, 2004 (hereafter referred to as *Microsoft Office 97*).
12. **Regarding independent claim 1**, Microsoft Office 97 anticipates a timed reminder linked to a document, as shown in Figure 2. Microsoft Office 97 discloses opening a document using Microsoft Word in Figure 3 (see the *File* menu, with the *Open* choice). Figure 3 further discloses the first step of creating a reminder to access a document at a later date (see the *File* menu, with the *Send To* choice). Microsoft Office 97 discloses creating a reminder with a date and time field and a document name field in Figure 4. Figure 4 also shows setting the values for the date, time and the document name. Figure 4 further discloses storing the reminder in a shared database (see the *OK* button on the *Flag Message* dialog box).
13. **Regarding dependent claims 2-6**, Microsoft Office 97 discloses a word processing compatible file (see Microsoft Word in Figure 3), and a spreadsheet (see

Microsoft Excel in Figure 5), and a graphical file (see Microsoft Power Point in Figure 6).

14. **Regarding dependent claim 7**, Microsoft Office 97 discloses creating a reminder for any file type using the Insert menu (Figure 7) and Insert File dialog box (Figure 8).
15. **Regarding dependent claim 8**, Microsoft Office 97 discloses retrieving and displaying the reminder in Figure 2, where the reminder discloses the document name.
16. **Regarding dependent claims 9 and 13**, the claims are directed toward a computer readable medium for the method of claim 8 and are rejected with the same rationale.
17. **Regarding independent claim 10**, Microsoft Office 97 uses a first application, Microsoft Outlook 97, to poll the database of messages as shown in Figure 4. Microsoft Outlook 97 determines when a reminder is present and the date and time matches the current date and time, and in response to the determination and matching, displays the reminder as shown in Figure 2. The reminder will trigger the user to retrieve and open the identified document (see the *Open Item* button in the Reminder shown in Figure 2).
18. **Regarding dependent claim 11**, Microsoft Office 97 discloses the use of a *Task Bar* at the bottom of the screen (see Figure 3) where the user determines if the

application capable of polling the reminder database (Microsoft Outlook 97) is active. If Microsoft Outlook 97 is not active the user can activate it as shown in Figure 9. As is well known in the Microsoft Windows user interface, all running programs are shown as a button on the Task Bar (see Figure 3). Active programs are shown as a top window with a bold Title Bar (see Figure 3), and background programs are not visible or are shown behind the active program. Microsoft Office 97 discloses the use of Microsoft Outlook 97 as both a background program and an active application (see Figure 7).

19. **Regarding dependent claim 12**, Microsoft Office 97 discloses in Figure 10 an incompatible document with the active application (the document is named *Test Document*). The incompatible document can be opened by another application by selecting the document icon and accessing the icon menu as shown in Figure 11. The document is displayed by a new application (Microsoft Word 97).
20. **Regarding dependent claim 14**, the claim is rejected for fully incorporating the deficiencies of the base claims.
21. **Regarding dependent claim 15**, Microsoft Office 97 discloses in Figure 12, the associated document as a hyperlink, and by clicking the hyperlink the web browser (Microsoft Internet Explorer) is activated to display the web page.
22. **Regarding independent claim 16**, the claim is directed to a computer-implemented method of the method of claims 1, 10 and 11 combined, and is rejected using the same rationale.

23. **Regarding dependent claim 17**, the claim is directed toward a computer readable medium for the method of claim 16 and is rejected with the same rationale.
24. **Regarding dependent claim 18**, the claim is directed toward substantially the same subject matter as claim 6 and is rejected with the same rationale.

Conclusion

25. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

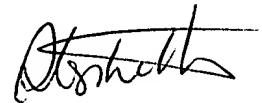
<u>Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-5,893,114	04-1999	Hashimoto et al.
• US-5,995,951	11-1999	Ferguson, Bradley
• US-6,240,429	05-2001	Thornton et al.
• US-6,253,217	06-2001	Dourish et al.
• US-6,331,866	12-2001	Eisenberg, Peter M.
• US-6,457,017	09-2002	Watkins et al.
• US-6,562,076	05-2003	Edwards et al.
• US-6,587,895	07-2003	Golovchinsky et al.
• US-6,622,015	09-2003	Himmel et al.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
March 30, 2004



STEPHEN S. HONG
PRIMARY EXAMINER